

RUL ED  
DEC - 9 2016  
(0-57)CLERK, U.S. DISTRICT COURT  
By *[Signature]*

UNITED STATES OF AMERICA

§

§

V.

§

CRIMINAL NO: 4:16-CR-242-A

§

BALDEMAR SOLIS

§

**UNOPPOSED MOTION TO WITHDRAW AS COUNSEL OF RECORD**

TO THE HONORABLE JUDGE JOHN MCBRYDE:

COMES NOW DEFENDANT'S attorney of record MARK ALAN HOAK (hereinafter "Counsel"), and files this Motion to Withdraw as Counsel of Record in the above styled and numbered cause and in support thereof would show the Court the following:

**I. FACTS**

- I.1. Attorney was retained to represent Defendant. Defendant is in custody pending trial, that has been set for January 23, 2017.
- I.2. Defendant has pleaded not guilty to the charges at the arraignment hearing.
- I.3. There is a conflict of personality that precludes counsel from further representing Defendant in this cause.
- I.4. Counsel has taken reasonable steps to resolve this conflict before filing this motion.
- I.5. This motion to withdraw and appointment of new Counsel can be accomplished without materially affecting the rights of the Defendant.
- I.6. This motion has not been filed for the purposes of delay.

I.7. Defendant and Defendant's family have breached their agreement with counsel.

I.8. Defendant has agreed with the withdraw as shown by his signature to this Motion.

## II. ARGUMENT AND AUTHORITES

II.1. Texas State Bar Rule I.06 prohibits an attorney from representing a client once a conflict has arisen. Loyalty is an essential element in the lawyer's relationship to a client. If such a conflict arises after representation has been undertaken, the lawyer must take effective action to eliminate the conflict, including withdrawal if necessary to rectify the situation.

Texas Bar Rule 1.06; cmt 1.

II.2. The undersigned Counsel requests permission to withdraw and have new Counsel appointed for Defendant.

II.3. New Counsel will be able to independently review the issues, advise Defendant and further may be able to advise Defendant regarding the potential consequences of a guilty verdict by a jury versus the possible impact of accepting the plea agreement which was offered to Defendant in this case.

## PRAYER

Therefore, Counsel prays that this Court allow the undersigned to withdraw as Counsel of record for Defendant and that new Counsel be appointed to represent Defendant.

Respectfully submitted,

/s/Mark Alan Hoak

Mark Alan Hoak, (markhoak)  
Attorney for James Vanblaricum  
Texas Bar # 09736520  
1307-B West Abram St., Suite 211  
Arlington, Texas 76013  
[markhoak@gmail.com](mailto:markhoak@gmail.com)  
Phone: 817-740-8900  
Fax: 214-723-5964

Agreed to Substitution:

\* Baldeonar Solis

12-5-2016

**BALDEMAR SOLIS , Defendant**

**Date**

#### CERTIFICATE OF CONFERENCE

I hereby certify that on December 6<sup>th</sup>, 2016, I had conferred with the government's counsel regarding the above Motion for Substitution and Government is Opposed/UNOPPOSED to this motion.

/s/Mark Alan Hoak

Mark A. Hoak

#### CERTIFICATE OF SERVICE

I hereby certify that on December 9<sup>th</sup>, 2016, I filed the foregoing document with the clerk of the Court of the United State District Court, Northern District of Texas, and has been delivered to all parties of record.

/s/Mark Alan Hoak

Mark A. Hoak